

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0209-AIR-E **TCEQ ID:** RN100219351 **CASE NO.:** 32622
RESPONDENT NAME: Union Carbide Corporation

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Union Carbide Texas City, 3301 5th Avenue South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Marilyn L. Doescher, Responsible Care Leader, Union Carbide Corporation, 3301 5th Avenue North, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: August 24, 2006 and August 25, 2006</p> <p>Date of NOV/NOE Relating to this Case: January 22, 2007 and January 30, 2007 (NOEs)</p> <p>Background Facts: These were routine investigations. Two violations were documented.</p> <p>AIR</p> <p>1) Failure to comply with permitted emissions and throughput limits for seven tanks. Specifically, total emissions and throughput limits for the period December 6, 2004 through November 30, 2005 at the Refining and Hydrogenation Unit were recorded as 1.09 tons of volatile organic compounds ("VOC") and 1,026,519 gallons of throughput. The authorized limits are 0.22 tons per year VOC emissions and 434,068 gallons of throughput [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), New Source Review ("NSR") Permit No. 49023, Special Condition No. 1, Federal Operating Permit O-01914, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to represent vent streams and amend NSR Permit No. 9085. Specifically, four high and low pressure streams were vented to the Syn Gas Flare, EPN E10C060, during the period of April 14, 2004 through April 14, 2005. EPN E10C060 was permitted as a backup flare and was not authorized to receive the vent streams [30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$76,450</p> <p>Total Deferred: \$15,290 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$30,580</p> <p>Total Paid to General Revenue: \$30,580</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Amended the emission and throughput limits for Tanks E10B101 and E10B102 during the amendment and modification of New Source Review ("NSR") Permit No. 49023, issued December 21, 2005;</p> <p>b. Permanently shut down tanks E10H018, E10H022, E10H023, E10H026, and E10H051 in the Refining Hydrogenation Unit by December 31, 2005; and</p> <p>c. Amended NSR Permit No. 9085 to include the vent streams associated with the Syn Gas Flare on July 28, 2005.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP).</p>

Attachment A
Docket Number: 2007-0209-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Union Carbide Corporation
Payable Penalty Amount:	Sixty-One Thousand One Hundred Sixty Dollars (\$61,160)
SEP Amount:	Thirty Thousand Five Hundred Eighty Dollars (\$30,580)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Galveston County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Galveston County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES
Assigned 29-Jan-2007
PCW 9-Aug-2007
Screening 7-Feb-2007
EPA Due 26-Oct-2007

RESPONDENT/FACILITY INFORMATION

Respondent Union Carbide Corporation
Reg. Ent. Ref. No. RN100219351
Facility/Site Region 12-Houston
Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 32622
Docket No. 2007-0209-AIR-E
Media Program(s) Air Quality
Multi-Media
Admin. Penalty \$ **Limit Minimum** \$0 **Maximum** \$10,000
No. of Violations 2
Order Type 1660
Enf. Coordinator Jessica Rhodes
EC's Team Enforcement Team 4

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$27,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 203% Enhancement **Subtotals 2, 3, & 7** \$55,825

Notes

Compliance history site enhancement due to 12 NOVs for the same or similar violations, 15 NOVs with nonsimilar violations, four 1660-style orders and one Federal Order. Reduction due to two Notices of Audit.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$6,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent achieved compliance on December 31, 2005.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$192
Approx. Cost of Compliance \$3,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$76,450

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$76,450

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$76,450

DEFERRAL

20%

Reduction

Adjustment -\$15,290

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$61,160

Screening Date 7-Feb-2007

Docket No. 2007-0209-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 32622

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219351

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	12	60%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 203%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Compliance history site enhancement due to 12 NOVs for the same or similar violations, 15 NOVs with nonsimilar violations, four 1660-style orders and one Federal Order. Reduction due to two Notices of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 203%

Screening Date 7-Feb-2007

Docket No. 2007-0209-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 32622

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219351

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), New Source Review ("NSR") Permit No. 49023, Special Condition No. 1, Federal Operating Permit O-01914, Special Condition No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions and throughput limits for seven tanks. Specifically, total emissions and throughput limits for the period December 6, 2004 through November 30, 2005 at the Refining and Hydrogenation Unit were recorded as 1.09 tons of volatile organic compounds ("VOC") and 1,026,519 gallons of throughput. The authorized limits are 0.22 tons per year VOC emissions and 434,068 gallons of throughput, as documented during an investigation conducted on August 25, 2006. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7

359 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$17,500

Seven single events are recommended, one event per tank, for seven tanks.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$160

Violation Final Penalty Total \$48,650

This violation Final Assessed Penalty (adjusted for limits) \$48,650

Economic Benefit Worksheet

Respondent: Union Carbide Corporation

Case ID No. 32622

Reg. Ent. Reference No. RN100219351

Media Air Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	6-Dec-2004	21-Dec-2005	1.0	\$26	n/a	\$26
Other (as needed)	\$2,500	6-Dec-2004	31-Dec-2005	1.1	\$134	n/a	\$134

Notes for DELAYED costs

Estimated costs to amend a permit and permanently shut down tanks. Date Required is the first date of the violation. For Permit Costs, the Final Date is the date the amended permit was issued for Tanks E10B101 and E10B102; and for Other, the Final Date is the date when Tanks E10H018, E10H022, E10H023, E10H026, and E10H051 were shut down.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$160

Screening Date 7-Feb-2007

Docket No. 2007-0209-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 32622

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219351

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.116(b)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to represent vent streams and amend NSR Permit No. 9085. Specifically, four high and low pressure streams were vented to the Syn Gas Flare, EPN E10C060, during the period of April 14, 2004 through April 14, 2005. EPN E10C060 was permitted as a backup flare and was not authorized to receive the vent streams. On July 28, 2005, NSR Permit No. 9085 was amended to include the gas streams. This violation was documented during an investigation on August 24, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10,000

Four single events are recommended, one event per vent stream, for four streams.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$27,800

This violation Final Assessed Penalty (adjusted for limits) \$27,800

Economic Benefit Worksheet

Respondent: Union Carbide Corporation
Case ID No.: 32622
Reg. Ent. Reference No.: RN100219351
Media: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	14-Apr-2004	28-Jul-2005	1.3	\$32	n/a	\$32
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Estimated cost to amend a permit to include the vent streams. Date Required is the first date of the violation. Final Date is the date the amended permit was issued.							
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs <div style="border: 1px solid black; height: 40px; width: 100%;"></div>							
Approx. Cost of Compliance		\$500		TOTAL		\$32	

Emissions & Throughput Table
Union Carbide Corporation
RN100219351
Docket No. 2007-0209-AIR-E

Emission Point Number ("EPN")	Permitted Throughput (gallons)	Actual Throughput (gallons)	Permitted VOCs (tons per year)	Actual VOCs (tons)
E10B101	233,133	436,683	0.04	0.14
E10B102	172,430	N/A	0.05	0.16
E10H018	9,649	58,480	0.01	0.0058
E10H022	49,560	82,602	0.01	0.02
E10H023	67,085	81,140	0.01	0.02
E10H026	18,837	134,757	0.03	0.34
E10H051	55,804	232,857	0.07	0.40

Compliance History

Customer/Respondent/Owner-Operator:	CN601688781	Union Carbide Corporation	Classification: AVERAGE	Rating: 2.98
Regulated Entity:	RN100219351	UNION CARBIDE TEXAS CITY	Classification: AVERAGE	Site Rating: 10.24

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0076J
	AIR OPERATING PERMITS	PERMIT	1433
	AIR OPERATING PERMITS	PERMIT	1913
	AIR OPERATING PERMITS	PERMIT	1914
	AIR OPERATING PERMITS	PERMIT	1915
	AIR OPERATING PERMITS	PERMIT	1916
	AIR OPERATING PERMITS	PERMIT	1917
	AIR OPERATING PERMITS	PERMIT	1919
	AIR OPERATING PERMITS	PERMIT	1920
	AIR OPERATING PERMITS	PERMIT	1921
	AIR OPERATING PERMITS	PERMIT	1923
	AIR OPERATING PERMITS	PERMIT	1924
	AIR OPERATING PERMITS	PERMIT	2864
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000461533
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
	WASTEWATER	PERMIT	WQ0000448000
	WASTEWATER	PERMIT	TPDES0002852
	WASTEWATER	PERMIT	TX0002852
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	27508
	AIR NEW SOURCE PERMITS	REGISTRATION	76430
	AIR NEW SOURCE PERMITS	REGISTRATION	72004
	AIR NEW SOURCE PERMITS	REGISTRATION	72164
	AIR NEW SOURCE PERMITS	REGISTRATION	72098
	AIR NEW SOURCE PERMITS	PERMIT	52921
	AIR NEW SOURCE PERMITS	PERMIT	52922
	AIR NEW SOURCE PERMITS	REGISTRATION	54759
	AIR NEW SOURCE PERMITS	PERMIT	55052
	AIR NEW SOURCE PERMITS	REGISTRATION	75804
	AIR NEW SOURCE PERMITS	PERMIT	71961
	AIR NEW SOURCE PERMITS	REGISTRATION	75940
	AIR NEW SOURCE PERMITS	REGISTRATION	75636
	AIR NEW SOURCE PERMITS	PERMIT	2468
	AIR NEW SOURCE PERMITS	REGISTRATION	75558
	AIR NEW SOURCE PERMITS	REGISTRATION	75722
	AIR NEW SOURCE PERMITS	PERMIT	48988
	AIR NEW SOURCE PERMITS	REGISTRATION	70450
	AIR NEW SOURCE PERMITS	REGISTRATION	70460
	AIR NEW SOURCE PERMITS	REGISTRATION	70463
	AIR NEW SOURCE PERMITS	REGISTRATION	70606
	AIR NEW SOURCE PERMITS	REGISTRATION	70859
	AIR NEW SOURCE PERMITS	REGISTRATION	56355
	AIR NEW SOURCE PERMITS	REGISTRATION	71043
	AIR NEW SOURCE PERMITS	REGISTRATION	71148
	AIR NEW SOURCE PERMITS	REGISTRATION	71158
	AIR NEW SOURCE PERMITS	REGISTRATION	71163
	AIR NEW SOURCE PERMITS	REGISTRATION	71183
	AIR NEW SOURCE PERMITS	PERMIT	48975
	AIR NEW SOURCE PERMITS	PERMIT	49004
	AIR NEW SOURCE PERMITS	PERMIT	49023
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
	AIR NEW SOURCE PERMITS	REGISTRATION	71511
	AIR NEW SOURCE PERMITS	REGISTRATION	71723
	AIR NEW SOURCE PERMITS	PERMIT	56460
	AIR NEW SOURCE PERMITS	PERMIT	56359
	AIR NEW SOURCE PERMITS	PERMIT	56358
	AIR NEW SOURCE PERMITS	PERMIT	56357

AIR NEW SOURCE PERMITS	PERMIT	56356
AIR NEW SOURCE PERMITS	PERMIT	56353
AIR NEW SOURCE PERMITS	PERMIT	56352
AIR NEW SOURCE PERMITS	PERMIT	56351
AIR NEW SOURCE PERMITS	PERMIT	56350
AIR NEW SOURCE PERMITS	PERMIT	56349
AIR NEW SOURCE PERMITS	PERMIT	55260
AIR NEW SOURCE PERMITS	PERMIT	52245
AIR NEW SOURCE PERMITS	PERMIT	52869
AIR NEW SOURCE PERMITS	PERMIT	52920
AIR NEW SOURCE PERMITS	PERMIT	52292
AIR NEW SOURCE PERMITS	PERMIT	53413
AIR NEW SOURCE PERMITS	PERMIT	53558
AIR NEW SOURCE PERMITS	PERMIT	53034
AIR NEW SOURCE PERMITS	PERMIT	54113
AIR NEW SOURCE PERMITS	PERMIT	53559
AIR NEW SOURCE PERMITS	PERMIT	53414
AIR NEW SOURCE PERMITS	REGISTRATION	72691
AIR NEW SOURCE PERMITS	REGISTRATION	72836
AIR NEW SOURCE PERMITS	REGISTRATION	73963
AIR NEW SOURCE PERMITS	REGISTRATION	74151
AIR NEW SOURCE PERMITS	REGISTRATION	74235
AIR NEW SOURCE PERMITS	PERMIT	73962
AIR NEW SOURCE PERMITS	REGISTRATION	74347
AIR NEW SOURCE PERMITS	REGISTRATION	74472
AIR NEW SOURCE PERMITS	REGISTRATION	74471
AIR NEW SOURCE PERMITS	REGISTRATION	74490
AIR NEW SOURCE PERMITS	REGISTRATION	74608
AIR NEW SOURCE PERMITS	REGISTRATION	74732
AIR NEW SOURCE PERMITS	REGISTRATION	74996
AIR NEW SOURCE PERMITS	REGISTRATION	75184
AIR NEW SOURCE PERMITS	REGISTRATION	76553
AIR NEW SOURCE PERMITS	REGISTRATION	76637
AIR NEW SOURCE PERMITS	REGISTRATION	76966
AIR NEW SOURCE PERMITS	REGISTRATION	77313
AIR NEW SOURCE PERMITS	REGISTRATION	77503
AIR NEW SOURCE PERMITS	REGISTRATION	77690
AIR NEW SOURCE PERMITS	REGISTRATION	77858
AIR NEW SOURCE PERMITS	PERMIT	77875
AIR NEW SOURCE PERMITS	REGISTRATION	78093
AIR NEW SOURCE PERMITS	REGISTRATION	78808
AIR NEW SOURCE PERMITS	REGISTRATION	78804
AIR NEW SOURCE PERMITS	REGISTRATION	78806
AIR NEW SOURCE PERMITS	REGISTRATION	78807
AIR NEW SOURCE PERMITS	REGISTRATION	78996
AIR NEW SOURCE PERMITS	REGISTRATION	79099
AIR NEW SOURCE PERMITS	PERMIT	33835
AIR NEW SOURCE PERMITS	PERMIT	33379
AIR NEW SOURCE PERMITS	PERMIT	33535
AIR NEW SOURCE PERMITS	PERMIT	33607
AIR NEW SOURCE PERMITS	PERMIT	36007
AIR NEW SOURCE PERMITS	PERMIT	36467
AIR NEW SOURCE PERMITS	PERMIT	32449
AIR NEW SOURCE PERMITS	PERMIT	37219
AIR NEW SOURCE PERMITS	PERMIT	38561
AIR NEW SOURCE PERMITS	PERMIT	39384
AIR NEW SOURCE PERMITS	PERMIT	39714
AIR NEW SOURCE PERMITS	PERMIT	41241
AIR NEW SOURCE PERMITS	PERMIT	42121
AIR NEW SOURCE PERMITS	PERMIT	42409
AIR NEW SOURCE PERMITS	PERMIT	42949
AIR NEW SOURCE PERMITS	PERMIT	41876
AIR NEW SOURCE PERMITS	PERMIT	44130
AIR NEW SOURCE PERMITS	PERMIT	45029
AIR NEW SOURCE PERMITS	PERMIT	45525
AIR NEW SOURCE PERMITS	PERMIT	45814
AIR NEW SOURCE PERMITS	PERMIT	45847

AIR NEW SOURCE PERMITS	PERMIT	46260
AIR NEW SOURCE PERMITS	PERMIT	47572
AIR NEW SOURCE PERMITS	PERMIT	47646
AIR NEW SOURCE PERMITS	PERMIT	47732
AIR NEW SOURCE PERMITS	PERMIT	49451
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
AIR NEW SOURCE PERMITS	PERMIT	9995
AIR NEW SOURCE PERMITS	PERMIT	436
AIR NEW SOURCE PERMITS	PERMIT	1961
AIR NEW SOURCE PERMITS	PERMIT	2466
AIR NEW SOURCE PERMITS	PERMIT	2467
AIR NEW SOURCE PERMITS	PERMIT	2574
AIR NEW SOURCE PERMITS	PERMIT	2958A
AIR NEW SOURCE PERMITS	PERMIT	3778
AIR NEW SOURCE PERMITS	PERMIT	3791
AIR NEW SOURCE PERMITS	PERMIT	4838
AIR NEW SOURCE PERMITS	PERMIT	4884
AIR NEW SOURCE PERMITS	PERMIT	6355
AIR NEW SOURCE PERMITS	PERMIT	6355A
AIR NEW SOURCE PERMITS	PERMIT	6709
AIR NEW SOURCE PERMITS	PERMIT	6715
AIR NEW SOURCE PERMITS	PERMIT	6732
AIR NEW SOURCE PERMITS	PERMIT	6854
AIR NEW SOURCE PERMITS	PERMIT	7011
AIR NEW SOURCE PERMITS	PERMIT	7414
AIR NEW SOURCE PERMITS	PERMIT	9085
AIR NEW SOURCE PERMITS	PERMIT	10605
AIR NEW SOURCE PERMITS	PERMIT	13141
AIR NEW SOURCE PERMITS	PERMIT	14321
AIR NEW SOURCE PERMITS	PERMIT	14899
AIR NEW SOURCE PERMITS	PERMIT	15693
AIR NEW SOURCE PERMITS	PERMIT	18148
AIR NEW SOURCE PERMITS	PERMIT	18369
AIR NEW SOURCE PERMITS	PERMIT	19028
AIR NEW SOURCE PERMITS	PERMIT	19209
AIR NEW SOURCE PERMITS	PERMIT	19335
AIR NEW SOURCE PERMITS	PERMIT	20135
AIR NEW SOURCE PERMITS	PERMIT	21401
AIR NEW SOURCE PERMITS	PERMIT	22067
AIR NEW SOURCE PERMITS	PERMIT	22705
AIR NEW SOURCE PERMITS	PERMIT	23571
AIR NEW SOURCE PERMITS	PERMIT	24349
AIR NEW SOURCE PERMITS	PERMIT	24530
AIR NEW SOURCE PERMITS	PERMIT	24292
AIR NEW SOURCE PERMITS	PERMIT	25034
AIR NEW SOURCE PERMITS	PERMIT	26125
AIR NEW SOURCE PERMITS	PERMIT	27045
AIR NEW SOURCE PERMITS	PERMIT	26133
AIR NEW SOURCE PERMITS	PERMIT	26856
AIR NEW SOURCE PERMITS	PERMIT	27796
AIR NEW SOURCE PERMITS	PERMIT	24982
AIR NEW SOURCE PERMITS	PERMIT	28686
AIR NEW SOURCE PERMITS	PERMIT	28882
AIR NEW SOURCE PERMITS	PERMIT	29204
AIR NEW SOURCE PERMITS	PERMIT	29271
AIR NEW SOURCE PERMITS	PERMIT	30037
AIR NEW SOURCE PERMITS	PERMIT	28885
AIR NEW SOURCE PERMITS	PERMIT	29747
AIR NEW SOURCE PERMITS	PERMIT	29354
AIR NEW SOURCE PERMITS	PERMIT	30531
AIR NEW SOURCE PERMITS	PERMIT	31076
AIR NEW SOURCE PERMITS	PERMIT	31104
AIR NEW SOURCE PERMITS	PERMIT	30981
AIR NEW SOURCE PERMITS	PERMIT	31810
AIR NEW SOURCE PERMITS	PERMIT	32496
AIR NEW SOURCE PERMITS	PERMIT	33356
AIR NEW SOURCE PERMITS	AFS NUM	4816700009

AIR NEW SOURCE PERMITS	REGISTRATION	79615
AIR NEW SOURCE PERMITS	REGISTRATION	80007
AIR NEW SOURCE PERMITS	REGISTRATION	80073
AIR NEW SOURCE PERMITS	REGISTRATION	80068
AIR NEW SOURCE PERMITS	REGISTRATION	80075
AIR NEW SOURCE PERMITS	REGISTRATION	80071
AIR NEW SOURCE PERMITS	REGISTRATION	80167
AIR NEW SOURCE PERMITS	REGISTRATION	80554
AIR NEW SOURCE PERMITS	REGISTRATION	80545
AIR NEW SOURCE PERMITS	REGISTRATION	80785
AIR NEW SOURCE PERMITS	REGISTRATION	80786
AIR NEW SOURCE PERMITS	REGISTRATION	80787
AIR NEW SOURCE PERMITS	REGISTRATION	80788
AIR NEW SOURCE PERMITS	REGISTRATION	80855
AIR NEW SOURCE PERMITS	REGISTRATION	81268
AIR NEW SOURCE PERMITS	REGISTRATION	81364
AIR NEW SOURCE PERMITS	REGISTRATION	81703
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0840043
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30689
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50242
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50127
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50127
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50242
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50242

Location: 3301 5th Ave S, Texas City, TX

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 03, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 03, 2002 to July 03, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jessica Rhodes Phone: 512-239-2879

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/13/2003

ADMINORDER 2002-0902-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)[G]

40 CFR Part 63, Subpart G 63.120(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to conduct seal inspections.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)
Description: Failure to pay the late fee for the Public Health Service Fee.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 1 PERMIT

Description: Failed to meet VOC limits of 0.30 pound per hour (lbs/hr.) from Tank 9518 in the Distribution Area via emission point number (EPN) E01A010 on August 16, 2000 for approximately 40 hours, during which the tank overflowed, and again on August 18, 2000 for approximately 40 hours, during which the tank was emptied due to ne

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allowed unauthorized emissions on June 16, 2000 from the hardening tank of the Solutions Vinyl Resins (SVR) Unit when operator error and poor maintenance caused a spill that resulted in emissions of 11.6 pounds of acetone.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov 1 PERMIT

Description: Failed to include end time or expected duration and corrective action in the initial notification report for an upset that occurred on November 7, 2000 at the #4 K-Gas Compressor in the Oxo Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to install a second valve, blind flange, plug or cap at the end of VOC line in the SVR Unit which caused an emissions event (emissions were 6 pounds of acetone on June 22, 2000).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(C)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)

30 TAC Chapter 101, SubChapter A 101.6(a)(3)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov 1 PERMIT

12 PERMIT

Description: Failed to include start time, end time or expected duration, and amount of contaminants in the initial notification report for an upset that occurred at the #501 Compressor in the #3 Olefins Unit via EPN E09A023 on September 4, 2000.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allowed unauthorized emissions on April 6, 2000 from the vent blower and safety relief valves in the #3 Olefins Unit when improper operating procedures caused a release.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include corrective action in the initial notification report for an upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5224).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and corrective action in the initial notification report for a subsequent upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5223)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include opacity estimate in the initial notification and final reports for an upset that occurred on August 1, 2000 EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration in the initial notification report for an upset that occurred on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and opacity estimate in the initial notification report and opacity estimate in the final report for an upset that occurred on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include identification and amount of contaminants emitted in the initial notification report for an upset that occurred on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and opacity estimate in the initial report and opacity estimate in the final report for an upset that occurred on February 25, 2001 at the No. 17 Furnace EPN E09A018, in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 1 PERMIT

Description: Failed to meet emission limits of 4.85 lbs./hr. of Nitrogen Oxides (NOx) and 7.28 lbs./hr. of CO at the #4 K-Gas Compressor in the Oxo Unit via EPN E10C061 on November 7, 2000, resulting in emissions of 513 pounds of NOx and 3,365 pounds of CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 1 PERMIT

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx at the #601 Turbine in the #3 Olefins Unit via EPN E09A025 on June 22, 2000 at 9:20 a.m. (Upset #5224) and 2:22 p.m. (Upset #5223), resulting in emissions of 262.7 pounds of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 12 PERMIT

Description: Failed to meet opacity limits of 5% percent per any six-minute period at EPN E09A032 in the #3 Olefins Unit on August 1, 2000, resulting in emissions of 36 hours of 100% opacity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 1 PERMIT

Description: Failed to meet emissions limits of 24.5 lbs./hr. of NOx on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit, resulting in emissions of 1,152 pounds of NOx

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 1 PERMIT

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx on September 4, 2000 at the #501 Compressor in the #3 Olefins Unit via EPN E09A023, resulting in emissions of 81 pounds of NOx

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in emissions of 2 hours of 100% opacity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in emissions of 8 hours and 20 minutes of 100% opacity

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on February 25, 2001 at the Furnace No. 17, EPN E09A018, in the #3 Olefins Unit.

Effective Date: 02/05/2007

ADMINORDER 2005-0233-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov Permit No. 49023 PERMIT

Description: Failure to operate within MAERT limits for tanks and distillation column.

Effective Date: 04/26/2007

ADMINORDER 2006-1080-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov TCEQ Air Permit No. 48988, GC 8 PERMIT

Description: Dow-Union Carbide (Dow) failed to prevent unauthorized emissions during an avoidable emissions event (Incident No. 66240) that occurred on 11 October 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Union Carbide a subsidiary of Dow (DUC) failed to report accurately during during the avoidable emissions event (Incident No. 66240).

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/22/2002	(155709)
2	08/09/2002	(2382)
3	08/09/2002	(2364)
4	08/09/2002	(2377)
5	08/15/2002	(5941)
6	08/16/2002	(1946)
7	08/20/2002	(155713)
8	08/30/2002	(2373)
9	08/30/2002	(2371)
10	09/09/2002	(6065)
11	09/09/2002	(7020)
12	09/13/2002	(10899)
13	09/19/2002	(155716)
14	10/08/2002	(13335)
15	10/21/2002	(155719)
16	10/23/2002	(4185)
17	11/15/2002	(155722)
18	11/20/2002	(16636)
19	12/06/2002	(1492)
20	12/20/2002	(155725)
21	01/21/2003	(155728)
22	02/20/2003	(1937)
23	02/20/2003	(155695)
24	02/24/2003	(25802)
25	03/13/2003	(155698)
26	03/21/2003	(9861)
27	03/21/2003	(23086)
28	03/31/2003	(9859)
29	04/11/2003	(31764)
30	04/17/2003	(155701)
31	05/15/2003	(38012)
32	05/20/2003	(155704)
33	06/17/2003	(34201)
34	06/17/2003	(34205)
35	06/20/2003	(155707)
36	07/01/2003	(36668)
37	07/17/2003	(155710)
38	08/19/2003	(294439)
39	09/19/2003	(294440)
40	10/20/2003	(294442)
41	10/21/2003	(432706)
42	10/22/2003	(248492)
43	11/05/2003	(249689)
44	11/07/2003	(250604)
45	11/10/2003	(249006)

46	11/19/2003	(294443)
47	11/25/2003	(255877)
48	12/18/2003	(294444)
49	01/06/2004	(259011)
50	01/13/2004	(259830)
51	01/14/2004	(250226)
52	01/16/2004	(294445)
53	02/13/2004	(250227)
54	02/23/2004	(294435)
55	02/26/2004	(22192)
56	03/08/2004	(250251)
57	03/16/2004	(294436)
58	04/16/2004	(264495)
59	04/21/2004	(294437)
60	05/19/2004	(351704)
61	06/21/2004	(294438)
62	07/28/2004	(351705)
63	08/03/2004	(286850)
64	08/04/2004	(273925)
65	08/23/2004	(290587)
66	08/25/2004	(288496)
67	08/26/2004	(351706)
68	08/31/2004	(250228)
69	09/15/2004	(351707)
70	10/22/2004	(351708)
71	11/15/2004	(351709)
72	12/13/2004	(381666)
73	12/16/2004	(333291)
74	01/10/2005	(345335)
75	01/12/2005	(381667)
76	01/20/2005	(333885)
77	01/31/2005	(347324)
78	01/31/2005	(347510)
79	01/31/2005	(346725)
80	02/11/2005	(340597)
81	02/11/2005	(350203)
82	02/22/2005	(419457)
83	03/14/2005	(419458)
84	04/07/2005	(348396)
85	04/18/2005	(419459)
86	05/23/2005	(419460)
87	06/17/2005	(419461)
88	06/17/2005	(419462)
89	07/28/2005	(402135)
90	07/28/2005	(402011)
91	07/29/2005	(401956)
92	08/02/2005	(402285)
93	08/04/2005	(402618)
94	08/05/2005	(402973)
95	08/05/2005	(403754)
96	08/05/2005	(403243)
97	08/08/2005	(403392)
98	08/08/2005	(404026)
99	08/11/2005	(404855)
100	08/16/2005	(440615)
101	08/17/2005	(405498)
102	08/18/2005	(405320)
103	08/18/2005	(405659)
104	08/19/2005	(404795)
105	08/22/2005	(400594)
106	08/29/2005	(406918)
107	10/18/2005	(468080)
108	11/17/2005	(468081)

109	12/19/2005	(468082)
110	01/18/2006	(468083)
111	02/13/2006	(468078)
112	03/20/2006	(468079)
113	04/21/2006	(497966)
114	05/09/2006	(464404)
115	05/11/2006	(460639)
116	05/15/2006	(497967)
117	06/13/2006	(454316)
118	06/15/2006	(482439)
119	06/19/2006	(497968)
120	07/14/2006	(457406)
121	07/18/2006	(519981)
122	07/18/2006	(519983)
123	08/08/2006	(461303)
124	08/15/2006	(519982)
125	08/23/2006	(465702)
126	08/31/2006	(497500)
127	10/10/2006	(457463)
128	10/10/2006	(480147)
129	10/16/2006	(544225)
130	10/16/2006	(544228)
131	10/30/2006	(457425)
132	10/30/2006	(480148)
133	10/30/2006	(480150)
134	10/31/2006	(517316)
135	11/02/2006	(517169)
136	11/15/2006	(514043)
137	11/16/2006	(480154)
138	11/16/2006	(544226)
139	12/04/2006	(518733)
140	12/12/2006	(532261)
141	12/12/2006	(532247)
142	12/19/2006	(544227)
143	01/03/2007	(532211)
144	01/12/2007	(519603)
145	01/22/2007	(480153)
146	01/29/2007	(457410)
147	01/30/2007	(480149)
148	03/02/2007	(519596)
149	03/08/2007	(541701)
150	03/13/2007	(542302)
151	03/13/2007	(542783)
152	03/16/2007	(543515)
153	04/09/2007	(556176)
154	04/30/2007	(554361)
155	05/10/2007	(543373)
156	05/23/2007	(560356)
157	06/26/2007	(558702)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/16/2002 (13335)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

Rqmt Prov: PA 2466

Description: Region-documented violation of an emission or discharge quantity limit.

Date: 08/26/2002 (1937)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA C-18369

Description: Daily CEMS calibration drift test records for 11/21/01 to 11/29/01 were missing.(Category: C3)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA C-18369
 Description: RE failed to include "the frequency of flow and composition measurements for the distillation column vents" in their report (Category C3).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 4884
 Description: Union Carbide failed to demonstrate that connectors are being inspected weekly (Category B3).
 Date: 09/20/2002 (1946)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 Rqmt Prov: PA 2466
 Description: Region-documented violation of an emission or discharge quantity limit.
 Date: 09/30/2002 (155719)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/24/2003 (9861)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP O-01913, S. C. 2
 Description: Failure to conduct the annual observation during the certification period.
 Date: 04/02/2003 (9859)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP O-01433, S.C. 3.B.v.
 Description: Failure to conduct the annual fuel tank pressure decay test of stage II vapor recovery system within the due date as required by the state regulation.
 Date: 08/31/2003 (294440)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/22/2003 (248492)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT No. 4884, S.C. No. 1, dated 12/21/1998
 Description: Failure to demonstrate that the incident could not have been avoided by good operation practices as set forth in 30 Tex. Admin Code 101.222(b)(3). When an Auto/Manual selector switch was not put back to "Auto" after maintenance was conducted on carbon bed #3 causing the bed not to be steamed during the normal sequence which lead to an emissions event.
 Date: 10/31/2003 (294443)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/07/2003 (249006)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT No. 436, S.C. #12, dated Sept. 22, 2000
 Description: Failure to perform routine preventive maintenance on air dampener/ actuator resulting to an excess opacity event.
 Date: 11/07/2003 (250604)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 Description: Failure to consistently record the time and date of pH sample collection and analysis.

Date: 08/03/2004 (286850)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 1961, Special Condition No. 9D

Description: Failure to conduct the annual tank inspections within 12 months.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)

Description: Failure to record the flare pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 1961, Special Condition No. 9D

Description: Failure to submit the report within 30 days of a tank failure.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Rqmt Prov: OP O-01924, General Terms and Conditions

Description: Failure to obtain the authorization for the installation of two tanks.

Date: 08/16/2004 (290587)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)

Description: Failure to record the presence of a pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)

Rqmt Prov: PERMIT 2466, Special Condition No. 16

OP O-01916, Special Terms and Conditions 1D

Description: Failure to conduct quarterly test.

Date: 08/24/2004 (288496)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Rqmt Prov: PA 9085, General Condition No. 1

Description: Failure to represent emissions to the Syn Gas Flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 2467, Special Condition No. 1

Description: Failure to operate within permit allowables.

Date: 08/31/2004 (250228)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP O-01923, General Terms and Conditions

Description: Failure to include a deviation in the semi-annual report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.100[G]

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]

Rqmt Prov: OP O-01923, Special Condition No. 1.G.

Description: Failure to operate the refrigeration unit in accordance with SSMP.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Rqmt Prov: OP O-01923, Special Condition No. 1.A.

Description: Failure to record the daily flare observations.

Date: 01/20/2005 (333885)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 20135, Special Condition 19

PERMIT 22067, Special Condition 10

OP O-01920, Special Term and Condition 12

Description: Failure to maintain records for the Fume Incinerator EPN E01A048.

Date: 08/04/2005 (402618)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
Rqmt Prov: PERMIT 1961, SC 7D
OP O-01924, ST&C 1A
Description: Failure to submit a report within 30 days.

Date: 08/05/2005 (402973)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 25034, SC No. 24
OP O-01921, ST&C 14
Description: Failure to submit the quarterly report within 30 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 2598A, SC No. 1
OP O-01921, ST&C 14

Description: Failure to operate within limits of Boiler 53 for CO.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 2598A, SC 8B
OP O-01921, ST&C 14

Description: Failure to operate within allowables for Boiler 53 for NOX.

Date: 08/19/2005 (404795)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP O-01916, ST&C 7
PERMIT TCEQ Air Permit No. 2466, SC 1

Description: Failure to operate within permit allowables by 824 pounds on E10C009

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP O-01916, ST&C No. 7
PERMIT TCEQ Air Permit No. 2466, SC No. 5

Description: Failure to record the temperature on the incinerator E10N002.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP O-01916, ST&C No. 7
PERMIT TCEQ Air Permit No. 2466, SC No. 7C

Description: Failure to record the carbon monoxide concentration on E10N002.

Date: 06/14/2006 (454316)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 48975, GC 8

Description: Dow-Union Carbide Incident 68708 was an avoidable emissions event. Incident was not excessive.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Dow-UC Incident No. 69708 was not reported in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Dow Union Carbide failed to identify the permit number in Incident No. 68708 notification.

Date: 08/23/2006 (465702)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Union Carbide, subs of Dow Chemical, did not comply with the reporting requirements

during Incident No. 71749.

Date: 08/30/2006 (457425)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report a deviation for the period of July 28, 2004 through January 28, 2005.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all citations for deviations reported during the period of January 28, 2005 through July 27, 2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01920, Special Condition #1A

Description: Failure to have Tank #9701 to float on the liquid surface.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(E)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01920, Special Condition #1A

Description: Failure to keep liquid off the roof of Tank #9213.

Date: 08/30/2006 (480148)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3791, Special Condition 2
OP O-01917, Special Condition 8

Description: Failure to control unauthorized emissions (Category B13).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3791, Special Condition 1
OP O-01917, Special Condition 8

Description: Failure to control unauthorized emissions (Category B13).

Date: 08/30/2006 (480150)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01433, SC#3(B)(vi)

Description: Failure to maintain records of the results of daily fuel inspections.

Date: 11/16/2006 (480154)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report a recordable emissions event and failure to cite rules, permits, and regulations in the deviation report.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Conditions #3A-D

Description: Failure to conduct quarterly visible observations for the period of 7/6/04 through 7/6/05.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:	5C THC Chapter 382, SubChapter A 382.085(b) PERMIT 49004, General Condition 9 OP O-01915, Special Condition 1 OP O-01915, Special Condition 15	
Description:	Failure to maintain Tank Area Three Scrubber below 10 degrees Centigrade.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to maintain the Tank Area Three Scrubber below 10 degrees Centigrade and failure to record data.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01915, Special Conditions #14 and #15 PERMIT Permit #18369, Special Condition #7	
Description:	Failure to maintain the methyl acetate below 42 ppm.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01915, Special Condition #15 PERMIT Permit 4884, Special Condition #8	
Description:	Failure to maintain the temperature in Tank 12902 below 90 degrees Fahrenheit.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01915, Special Condition #15 PERMIT Permit #18369, Special Condition #10 PERMIT Permit #4884, Special Condition #12	
Description:	Failure to monitor compressors and pumps for fugitive monitoring.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.116(a)(3)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01915, Special Conditions #14 and #15 PERMIT Permit #18369, Special Condition #9	
Description:	Failure to record hourly concentration of methyl acetate and methanol for Tank T13R4508.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.116(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01915, Special Condition 14	
Description:	Failure to record data for scrubber.	
Date:	01/25/2007 (457410)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT NSR 2958A SC#9A OP OP O-01921 SC#1A	
Description:	The RE exceeded the permit limit for NOx emissions for Boiler No. 53.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT NSR Permit 2958A SC# 4	
Description:	Failure to maintain combustion chamber temperature.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP O-01921, SC1A	

Description: Failure to record 98% of the daily visible emissions observation for Farm Flare.

Date: 03/02/2007 (519596)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP NSR Permit No: 49004 MAERT Limits

Description: MEK Tank exceeded the MAERT limit for Permit #: 49004, which sets the VOC emission limit to 74.78 lb/hr.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01915 Special Condition 15
PERMIT S.C. 6A of NSR Permit No: 49004

Description: Exceeded the NSR permit limits of capacity and partial pressure for Tank 12683.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01915 Special Condition 15
PERMIT NSR Permit No: 49004 MAERT Limits

Description: Exceeded the NSR permit throughput limit for Tank 12675.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.70(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01915 Special Condition 15
OP FOP O-01915 Special Condition 1A
PERMIT S.C. 2 of NSR Permit No: 4884
PERMIT S.C. 9 of NSR Permit No: 49004

Description: Failure to file NESHAP F Report on time.

F. Environmental audits.

Notice of Intent Date: 09/25/2002 (29689)

No DOV Associated

Notice of Intent Date: 09/23/2002 (34336)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
UNION CARBIDE CORPORATION
RN100219351**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0209-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Union Carbide Corporation ("Union Carbide") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Union Carbide appear before the Commission and together stipulate that:

1. Union Carbide owns and operates a chemical manufacturing plant at 3301 5th Avenue South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Union Carbide agree that the Commission has jurisdiction to enter this Agreed Order, and that Union Carbide is subject to the Commission's jurisdiction.
4. Union Carbide received notices of the violations alleged in Section II ("Allegations") on or about January 27, 2007 and February 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Union Carbide of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventy-Six Thousand Four Hundred Fifty Dollars (\$76,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Union Carbide has paid Thirty Thousand Five Hundred Eighty Dollars (\$30,580) of the administrative penalty and Fifteen Thousand Two Hundred Ninety Dollars (\$15,290) is

deferred contingent upon Union Carbide's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Union Carbide fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Union Carbide to pay all or part of the deferred penalty. Thirty Thousand Five Hundred Eighty Dollars (\$30,580) shall be conditionally offset by Union Carbide's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Union Carbide have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Union Carbide has implemented the following corrective measures at the Plant:
 - a. Amended the emission and throughput limits for Tanks E10B101 and E10B102 during the amendment and modification of New Source Review ("NSR") Permit No. 49023, issued December 21, 2005;
 - b. Permanently shut down tanks E10H018, E10H022, E10H023, E10H026, and E10H051 in the Refining Hydrogenation Unit by December 31, 2005; and
 - c. Amended NSR Permit No. 9085 to include the vent streams associated with the Syn Gas Flare on July 28, 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Union Carbide has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Union Carbide is alleged to have:

1. Failed to comply with permitted emissions and throughput limits for seven tanks, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSR Permit No. 49023, Special Condition No. 1, Federal Operating Permit O-01914, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 25, 2006. Specifically, total emissions and throughput limits for the period December 6, 2004 through November 30, 2005 at the Refining and Hydrogenation Unit were recorded as 1.09 tons of

volatile organic compounds ("VOC") and 1,026,519 gallons of throughput. The authorized limits are 0.22 tons per year VOC emissions and 434,068 gallons of throughput. Actual and permitted emissions limits and throughput limits are as follows:

Emission Point Number ("EPN")	Permitted Throughput (gallons)	Actual Throughput (gallons)	Permitted VOCs (tons per year)	Actual VOCs (tons)
E10B101	233,133	436,683	0.04	0.14
E10B102	172,430	N/A	0.05	0.16
E10H018	9,649	58,480	0.01	0.0058
E10H022	49,560	82,602	0.01	0.02
E10H023	67,085	81,140	0.01	0.02
E10H026	18,837	134,757	0.03	0.34
E10H051	55,804	232,857	0.07	0.40

2. Failed to represent vent streams and amend NSR Permit No. 9085, in violation of 30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 24, 2006. Specifically, four high and low pressure streams were vented to the Syn Gas Flare, EPN E10C060, during the period of April 14, 2004 through April 14, 2005. EPN E10C060 was permitted as a backup flare and was not authorized to receive the vent streams.

III. DENIALS

Union Carbide generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Union Carbide pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Union Carbide's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Union Carbide Corporation, Docket No. 2007-0209-AIR-E" to:

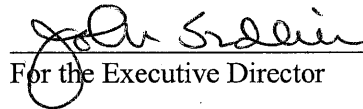
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Union Carbide shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty Thousand Five Hundred Eighty Dollars (\$30,580) of the assessed administrative penalty shall be offset with the condition that Union Carbide implements the SEP defined in Attachment A, incorporated herein by reference. Union Carbide's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Union Carbide. Union Carbide is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Union Carbide fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Union Carbide's failure to comply is not a violation of this Agreed Order. Union Carbide shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Union Carbide shall notify the Executive Director within seven days after Union Carbide becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Union Carbide shall be made in writing to the Executive Director. Extensions are not effective until Union Carbide receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Union Carbide in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Union Carbide, or three days after the date on which the Commission mails notice of the Order to Union Carbide, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

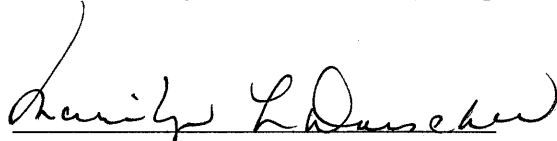
12/28/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

10/10/07
Date

Marilyn L. DOESCHER
Name (Printed or typed)
Authorized Representative of
Union Carbide Corporation

TEXAS CITY RESPONSIBLE CARE LEADER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Handwritten text at the top right corner, possibly a date or reference number.

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A large block of extremely faint, illegible handwritten text occupying the middle section of the page.

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Attachment A
Docket Number: 2007-0209-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Union Carbide Corporation

Payable Penalty Amount: Sixty-One Thousand One Hundred Sixty Dollars (\$61,160)

SEP Amount: Thirty Thousand Five Hundred Eighty Dollars (\$30,580)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Galveston County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Galveston County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

